

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTOS AMADOR, individually and on
behalf of all others similarly
situation, DARWIN ORTIZ, individually
and on behalf of all others similarly
situation, MARIO AVILA, individually
and on behalf of all others similarly
situated,

MEMORANDUM & ORDER
21-CV-4633 (EK) (VMS)

Plaintiffs,

-against-

109-1 FOOD CORP., jointly and
severally, RUHANA FOOD INT'L LLC,
jointly and severally, LIBERTY
WHOLESALE FOOD CORP., jointly and
severally, 16611 FOOD CORP., jointly
and severally, RAMIZA FOOD CORP.,
jointly and severally, 351 N. CENTRAL
FOOD CORP., jointly and severally,
FOD FARM CORP., jointly and
severally, SHEAK RIPON, jointly and
severally, A/K/A RONNIE SHEIK, SYEDA
SHAHTAJ, jointly and severally,

Defendants.

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ERIC KOMITEE, United States District Judge:

The court has received Magistrate Judge Scanlon's
Report and Recommendation (R&R) dated March 31, 2024. ECF No.
54. Judge Scanlon recommends that the court grant the
plaintiffs' motion to strike Defendant Sheak Ripon's answer.
Neither party has filed objections and the time to do so has
expired. Accordingly, the court reviews Judge Scanlon's

recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, plaintiffs' motion to strike defendant Ripon's answer is granted. The Clerk of Court is respectfully directed to strike Ripon's answer, at ECF No. 17, from the docket. Given defendant Ripon's continued lack of participation in the case, the plaintiffs' may request a certificate of default by May 14, 2024, and after it is entered, move for a default judgment.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: April 23, 2024
Brooklyn, New York